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3 **DECISION AND ORDER**  
4 **OF THE**  
5 **BOARD OF PSYCHOLOGY**

6  
7 **DEPARTMENT OF CONSUMER AFFAIRS**

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9 The attached Stipulation in case number X43, is hereby adopted as the Decision and  
10 Order of the Board of Psychology, Department of Consumer Affairs. An effective date of  
11 March 20, 2001 has been assigned to this Decision and Order.

12  
13 Made this 20th day of March, 2001.

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16 M.R. Greenberg  
17 Martin R. Greenberg, Ph.D.  
18 President, Board of Psychology  
19 Department of Consumer Affairs  
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21  
22  
23  
24  
25

1 BILL LOCKYER, Attorney General  
of the State of California  
2 GAIL M. HEPPELL, Supervising  
Deputy Attorney General  
3 1300 I street, Suite 125  
P.O. Box 944255  
4 Sacramento, CA 94244-2550  
Telephone: (916) 324-5336

5 Attorneys for Complainant  
6

7 **BEFORE THE**  
8 **CALIFORNIA BOARD OF PSYCHOLOGY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of )  
Against: )

Case No. X43

12 **NORMAN DAVIS, Ph.D.** )  
13 3813 Indian Butte Court )  
Modesto, CA 95355 )

STIPULATED SETTLEMENT  
AND DISCIPLINARY ORDER

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Applicant/Respondent.

18 IT IS HEREBY STIPULATED AND AGREED, by and between the  
19 parties to these proceedings that the following matters are true:

20 PARTIES

21 1. Thomas O'Connor is the Executive Officer of the  
22 California Board of Psychology. He brought this action solely in  
23 his official capacity as the Board's Executive Officer. He is  
24 represented in this matter by Bill Lockyer, Attorney General of  
25 the state of California, and by Gail M. Heppell, Supervising  
26 Deputy Attorney General.

27 2 Norman A. Davis, Ph.D. is representing himself in

1 this matter.

2 JURISDICTION

3 3. Statement of Issues No. X43 was filed before the  
4 Board, and is currently pending against respondent. The  
5 Statement of Issues, together with all other statutorily required  
6 documents, was duly served on respondent. A copy of the  
7 Statement of Issues is attached as Exhibit A and is incorporated  
8 herein by reference.

9 ADVISEMENT AND WAIVERS

10 4. Respondent has carefully read the charges and  
11 allegations in the Statement of Issues. He is fully aware of all  
12 his legal rights in this matter, including the right to a hearing  
13 on the charges and allegations in the Statement of Issues, the  
14 right to be represented by counsel at his own expense, the right  
15 to confront and cross-examine witnesses against him, the right to  
16 present evidence and to testify in his own behalf, the right to  
17 the issuance of subpoenas to compel the attendance of witnesses  
18 and the production of documents, the right to reconsideration and  
19 court review of an adverse decision, and all other rights  
20 accorded by the California Administrative Procedure Act and other  
21 applicable laws. Respondent voluntarily, knowingly, and  
22 intelligently waives and gives up each and every right set forth  
23 above.

24 CULPABILITY

25 5. Respondent understands that the charges and  
26 allegations in the Statement of Issues, if proven, at a hearing,  
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1 constitute cause for denying his application for a Psychologist's  
2 license.

3 6. Respondent admits the truth of each and every  
4 allegation in Statement of Issues X43.

5 7. Respondent agrees that application for licensure as  
6 a psychologist is subject to denial. He agrees to be bound by  
7 the Board's imposition of discipline as set forth in the Order  
8 below.

9 CIRCUMSTANCES IN MITIGATION

10 8. Respondent has never contested the allegations in  
11 the Statement of Issues. Respondent has been candid with Board  
12 staff.

13 CONTINGENCY

14 9. This Stipulated Settlement is subject to the  
15 approval of the Board. Respondent understands and agrees that  
16 Board staff and counsel for complainant may communicate directly  
17 with the Board regarding this Stipulated Settlement, without  
18 notice to or participation by the respondent. If the Board fails  
19 to adopt this Stipulated Settlement as its Order, this Stipulated  
20 Settlement and Disciplinary Order shall (except this paragraph)  
21 be of no force or effect. It shall be inadmissible in any legal  
22 action between the parties, and the Board shall not be  
23 disqualified from further action in this matter by virtue of its  
24 consideration of this Stipulated Settlement.

25 10. The parties agree that facsimile copies of this  
26 Stipulated Settlement and Disciplinary Order, including the  
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1 facsimile signature thereto, shall have the same force and effect  
2 as an original Stipulated Settlement and Disciplinary Order and  
3 original signatures.

4 11. In consideration of the foregoing admissions and  
5 stipulations, the parties agree that the Board shall, without  
6 further notice or formal proceeding, issue and enter the  
7 following Disciplinary Order:

8 DISCIPLINARY ORDER

9 IT IS HEREBY ORDERED that, upon the Board's  
10 determination that respondent has successfully completed and  
11 passed all examinations, all educational requirements, and all  
12 experience requirements, as well as any and all other  
13 requirements mandated by statute or regulation for obtaining a  
14 Psychologist's License, a Psychologist's License will be issued  
15 to respondent and then revoked. The revocation will be stayed  
16 and the license will be placed on one year probation with the  
17 following terms and conditions:

18 1. PRACTICE MONITOR Within 90 days of the effective  
19 date of this decision, respondent shall submit to the Board or  
20 its designee for prior approval, the name and qualifications of a  
21 psychologist who has agreed to serve as a practice  
22 monitor/billing monitor. The monitor shall 1) be a California-  
23 licensed psychologist with a clear and current license; 2) have  
24 no prior business, professional, personal or other relationship  
25 with respondent; and 3) not be the same person as respondent's  
26 therapist. The monitor's education and experience shall be in  
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1 the same field of practice as that of the respondent.

2           Once approved, the monitor shall submit to the Board or  
3 its designee a plan by which respondent's practice shall be  
4 monitored. Monitoring shall consist of at least one hour per  
5 week of individual face-to-face meetings and shall continue  
6 during the entire probationary period. The respondent shall  
7 provide the monitor with a copy of this Decision and access to  
8 respondent's fiscal and/or patient records. Respondent shall  
9 obtain any necessary patient releases to enable the monitor to  
10 review records and to make direct contact with patients.  
11 Respondent shall execute a release authorizing the monitor to  
12 divulge any information the Board may request. It shall be  
13 respondent's responsibility to assure that the monitor submits  
14 written reports to the Board or its designee on a quarterly basis  
15 verifying that monitoring has taken place and providing an  
16 evaluation of respondent's performance. The monitor may, on an  
17 annual basis, provide the Board with a non-binding recommendation  
18 as to the necessity of continuing with the monitoring.

19           Respondent shall notify all current and potential  
20 patients of any term or condition of probation which will affect  
21 their therapy or the confidentiality of their records (such as  
22 this condition which requires a practice monitor/billing  
23 monitor). Such notification shall be signed by each patient  
24 prior to continuing or commencing treatment.

25           If the monitor quits or is no longer available,  
26 respondent shall obtain approval from the Board for a new monitor

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1 within 30 days. If no new monitor is approved within 30 days,  
2 respondent shall not practice until a new monitor has been  
3 approved by the Board or its designee. During this period of  
4 non-practice, probation will be tolled and any period of non-  
5 practice shall not apply to the reduction of this probationary  
6 period. Respondent shall pay all costs associated with this  
7 monitoring agreement.

8           2. COURSEWORK Respondent shall take and successfully  
9 complete not less than 10 hours of coursework in the area of  
10 supervision, law, and ethics. Coursework must be preapproved by  
11 the Board or its designee. All coursework shall be taken at the  
12 graduate level at an accredited educational institution or by an  
13 approved continuing education provider. Classroom attendance is  
14 specifically required; correspondence or home study coursework  
15 shall not count toward meeting this requirement. The coursework  
16 must be in addition to any continuing education courses that may  
17 be required for license renewal.

18           Within 90 days of the effective date of this Decision,  
19 respondent shall submit to the Board or its designee for its  
20 prior approval a plan for meeting the educational requirements.  
21 All costs of the coursework shall be paid by the respondent.

22           3. ETHICS COURSE Within 90 days of the effective date  
23 of this Decision, respondent shall submit to the Board or its  
24 designee for prior approval a course in laws and ethics as they  
25 relate to the practice of psychology. Said course must be  
26 successfully completed at an accredited educational institution  
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1 or through a provider approved by the Board's accreditation  
2 agency for continuing education credit. Said course must be  
3 taken and completed within one year from the effective date of  
4 this Decision. The costs associated with the law and ethics  
5 course shall be paid by respondent.

6 4. PROBATION COSTS Respondent shall pay the costs  
7 associated with probation monitoring each and every year of  
8 probation. Such costs shall be payable to the Board at the end  
9 of the each fiscal year (July 1 - June 30). Failure to pay such  
10 costs shall be considered a violation of probation. The filing  
11 of bankruptcy shall not relieve respondent of the responsibility  
12 to repay investigation and enforcement costs.

13 5. OBEY ALL LAWS Respondent shall obey all federal,  
14 state and local laws, and all regulations governing the practice  
15 of psychology in California including the ethical guidelines of  
16 the American Psychological Association. A full and detailed  
17 account of any and all violations of law shall be reported by the  
18 respondent to the Board or its designee in writing within 72  
19 hours of occurrence.

20 6. QUARTERLY REPORTS Respondent shall submit  
21 quarterly declarations under penalty of perjury on forms provided  
22 by the Board or its designee, stating whether there has been  
23 compliance with all the conditions of probation.

24 7. PROBATION COMPLIANCE Respondent shall comply with  
25 the Board's probation program and shall, upon reasonable notice,  
26 report to the assigned District Office of the Medical Board of  
27



1 California or other designated probation monitor. Respondent  
2 shall contact the assigned probation officer regarding any  
3 questions specific to the probation order. Respondent shall not  
4 have any unsolicited or unapproved contact with 1) complainants  
5 associated with the case; 2) Board members or member of its  
6 staff; 3) persons serving the Board as expert witnesses.

7 8. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent  
8 shall appear in person for interviews with the Board or its  
9 designee upon request at various intervals and with reasonable  
10 notice.

11 9. CHANGES OF EMPLOYMENT Respondent shall notify the  
12 Board in writing, through the assigned probation officer, of any  
13 and all changes of employment, location, and address within 30  
14 days of such change.

15 10. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR  
16 IN-STATE NON-PRACTICE In the event respondent should leave  
17 California to reside or to practice outside of the State or for  
18 any reason should respondent stop practicing psychology in  
19 California, respondent shall notify the Board or its designee in  
20 writing within 10 days of the dates of departure and return or  
21 the dates of non-practice within California. Non-practice is any  
22 period of time exceeding 30 days in which respondent is not  
23 engaging in any activities defined in Sections 2902 and 2903 of  
24 the Business and Professions Code. Periods of temporary or  
25 permanent residency or practice outside California or of non-  
26 practice within California will not apply to the reduction of  
27

[REDACTED]

1 this probationary period, although the Board may allow respondent  
2 to complete certain terms of probation that are not associated  
3 with active practice.

4 11. EMPLOYMENT AND SUPERVISION OF TRAINEES If  
5 respondent is licensed as a psychologist, he shall not employ or  
6 supervise or apply to employ or supervise psychological  
7 assistants, interns or trainees during the course of this  
8 probation. Any such supervisorial relationship in existence on  
9 the effective date of this probation shall be terminated by  
10 respondent and/or the Board.

11 12. FUTURE REGISTRATION OR LICENSURE If respondent is  
12 currently registered as a psychological assistant and  
13 subsequently obtains other psychological assistant registrations  
14 or becomes licensed as a psychologist during the course of this  
15 probationary order, respondent agrees that this Decision shall  
16 remain in full force and effect until the probationary period is  
17 successfully terminated. Future registration or licensure shall  
18 not be approved, however, until respondent is currently in  
19 compliance with all terms and conditions of probation.

20 13. VIOLATION OF PROBATION If respondent violates  
21 probation in any respect, the Board may, after giving respondent  
22 notice and the opportunity to be heard, revoke probation and  
23 carry out the disciplinary order that was stayed. If an  
24 Accusation or Petition to Revoke Probation is filed against  
25 respondent during probation, the Board shall have continuing  
26 jurisdiction until the matter is final, and the period of  
27 probation shall be extended until the matter is final. No

Petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.

14. COMPLETION OF PROBATION Upon successful completion of probation, respondent's license shall be fully restored.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my Psychologist's License. I enter into this Stipulated settlement voluntarily, knowingly, and intelligently, and I agree to be bound by the Disciplinary Order and Decision of the Board of Psychology.

DATED: 1-27-01

Norman A Davis Payd.

NORMAN DAVIS, Ph.D.

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**EXHIBIT A**

Attorneys for Complainant

In the Matter of the Statement of  
Against:

NORMAN DAVIS, Ph.D.  
3813 Indiana Butte Court  
Modesto, CA 95355

## STATEMENT OF ISSUES

Applicant/Respondent.

The Complainant alleges:

**PARTIES**

1. Complainant, Thomas O'Connor, is the Executive Officer of the California Board of Psychology (hereinafter the "Board") and brings this statement of issues solely in his official capacity.

2. On or about December 21, 1999, Norman Davis, Ph.D. (hereinafter "respondent") applied for licensure as a psychologist with the California Board of Psychology. On or about September 1, 2000, the Board notified respondent that his

1 application for licensure was denied. Thereafter, respondent  
2 requested a hearing.

### 3 JURISDICTION

4 3. Pursuant to Business and Professions Code sections  
5 2960 and 2960(m) the Board may suspend or revoke a psychologist's  
6 license or impose probationary conditions upon a licensee if the  
7 licensee has been guilty of unprofessional conduct.

8 Unprofessional conduct includes:

9 "(m) The suspension, revocation or imposition of  
10 probationary conditions by another state or country of a  
11 license or certificate to practice psychology or as a  
12 psychological assistant issued by that state or county to a  
13 person also holding a license or registration issued under  
14 this chapter if the act for which the disciplinary action  
15 was taken constitutes a violation of this section".

16 4. Section 2960.6(a) of the Business and Professions  
17 Code (hereinafter "Code") provides in relevant part that the  
18 Board may deny any application for or may suspend or revoke  
19 a license or registration issued under this chapter for the  
20 following: the revocation, suspension or other disciplinary  
21 action imposed by another state or country on a license,  
22 certificate, or registration issued by that state or country  
23 to practice psychology shall constitute grounds for  
24 disciplinary action for unprofessional conduct against that  
25 licensee or registrant in this state. A certified copy of  
26 the decision or judgement of the other state or country  
27

1 shall be conclusive evidence of that action.

2 5. Section 480 (a)(3) of the Code provides that the  
3 board may deny a license regulated by this code on the grounds  
4 that the applicant has done any act which if done by a licentiate  
5 of the business or profession in question, would be grounds for  
6 suspension or revocation of license.

7 6. Section 2964.6 of the Code provides that if  
8 probation is imposed in a case before the Board of Psychology,  
9 the decision may also require that the licensee pay the costs  
10 associated with monitoring the probation.

11 **FIRST CAUSE FOR DENIAL**

12 (Discipline Imposed by Another State)  
13 [Bus. & Prof. Code 2960(m) and 2960.6]

14 8. On or about August 20, 1999, the Kentucky Board of  
15 Examiners of Psychology issued an Order adopting a Settlement  
16 Agreement in the case of "Kentucky Board of Examiners of  
17 Psychology, Complainant v. Norman A. Davis, Psy.D., Licensed  
18 Psychologist, Respondent". Respondent admitted that he aided  
19 and abetted the unlicensed practice of psychology by allowing  
20 certified psychological assistants to practice psychology  
21 independently not under the employment and supervision of  
22 respondent in violation of Kentucky law. Respondent's license  
23 was placed under probation and supervision for one (1) year. As  
24 part of probation, respondent was required to have face-to-face  
25 weekly meetings with a supervisor for a total of fifty-two (52)  
26 one (1) hour supervisory sessions and to pay costs.

27 (Attached as Exhibit A and incorporated by reference as if fully

1 set forth is a true and correct copy of the Order in Agency Case  
2 Nos. 98-06-02-A and 98-12-A by the Kentucky Board of Examiners of  
3 Psychologists.)

4 9. Respondent's conduct as set forth in paragraph 8  
5 above and the discipline imposed by the Kentucky Board  
6 constitutes conduct subject to denial of licensure within the  
7 meaning of Code sections 480(a)(3), 2960, 2960(m), and 2960.6.

8 PRAYER

9 WHEREFORE complainant requests that a hearing be held  
10 on the matters herein alleged, and that if these allegations, or  
11 any part of them, are found to be true, that the Board make its  
12 order:

13 1. Denying a psychology license to respondent Norman  
14 A. Davis, Ph.D.;

15 2. Taking such other and further action as the Board  
16 may deem necessary or proper.

17 DATED: January 5, 2001.

18  
19 Thomas O'Connor  
20 Thomas O'Connor  
21 Executive Officer  
22 Board of Psychology  
23 Department of Consumer Affairs  
24 State of California

25 Complainant

26 forms\accuse [115 rev]  
27



**EXHIBIT A**

Commonwealth of Kentucky  
Kentucky Board of Examiners of Psychology  
Agency Case Nos. 98-06-02-A and 98-12-A

RECEIVED  
BOARD OF PSYCHOLOGY  
99 SEP -2 PM 4:15

Kentucky Board of Examiners  
of Psychology

Complainant

v.

Order

Norman A. Davis, Psy.D.  
Licensed Psychologist

Respondent

\*\*\*\*\*

The State Board of Psychology having considered and voted to approve the Settlement Agreement in the above-referenced matter hereby affirms, adopts and incorporates the Settlement Agreement attached hereto as its own.

It Is So Ordered.

Dated this 20<sup>th</sup> day of August, 1999.

State Board of Psychology

By: Jane F. Brake, Ph.D.  
Jane F. Brake, Ph.D.  
Chair, State Board of Psychology

Copies sent this the 25<sup>th</sup> day of August, 1999, to:

Norman A. Davis, Psy.D.  
3625 Balfour Avenue  
Modesto, California 95357  
Respondent (by regular mail)

Elizabeth S. Hughes, Attorney at Law  
Gess, Mattingly & Atchison  
201 West Short Street  
Lexington, Kentucky 40507-1269  
*Attorney for Respondent (by regular mail)*

Mark Brengelman  
Assistant Attorney General  
Capitol Building, Suite 118  
700 Capitol Avenue  
Frankfort, Kentucky 40601-3449  
*Board Counsel (by messenger mail)*

*Wendy Satterly*  
Wendy Satterly  
Board Administrator

Commonwealth of Kentucky  
Board of Examiners of Psychology  
Agency Case Nos. 98-06-02-A, 98-12-A  
Administrative Action No. 99-KBEP-\_\_\_\_\_

Kentucky Board of Examiners  
of Psychology

Complainant

v.

Settlement Agreement

Norman A. Davis, Psy.D.  
Licensed Psychologist

Respondent

\*\*\*\*\*

Whereas, the Kentucky Board of Examiners of Psychology (hereafter "Board")  
having authorized a Formal Complaint and Notice of Administrative Hearing and  
Order against licensed psychologist Norman A. Davis, Psy.D., (hereafter  
"Respondent"), and;

Whereas, the parties mutually desire to settle the matter in an expeditious  
manner without resorting to a disciplinary hearing; and

Whereas, the Respondent has had the opportunity at all times to seek advice  
from competent counsel of choice, and no coercion has been exerted upon the  
Respondent, nor have any promises been made other than those reflected in this  
agreement; and

Whereas, the Respondent freely and voluntarily enters into this agreement,  
motivated by a desire to resolve the issues addressed herein, and the Respondent has  
executed this Settlement Agreement only after a careful reading of it and a full  
understanding of all of its terms;

03/29/2001 11:00 FAX 005

It is hereby stipulated and agreed between the undersigned parties that this matter shall be settled and resolved as follows:

#### Jurisdiction

The Respondent acknowledges the Board has jurisdiction over the Respondent and the conduct which has precipitated this Settlement.

The Respondent acknowledges the Board has the legal power and authority to take disciplinary action up to and including revocation of the Respondent's certificate.

The Respondent acknowledges the Board will retain jurisdiction over this matter until all terms and conditions set forth in this Settlement Agreement have been met to the satisfaction of the Board. The Respondent expressly indemnifies the Board for any costs incurred, including reasonable attorney fees, in enforcing any provision of this Settlement Agreement should the Board determine the Respondent has not met any term of this Settlement Agreement after notice and opportunity to be heard.

#### Costs

The Board and the Respondent shall each bear their own costs incurred in this matter except as provided below.

#### Findings

The Board has received an initiating complaint, has completed an investigation, and has authorized a Formal Complaint and Notice of Administrative Hearing and Order alleging *prima facie* violations of KRS Chapter 319.

Specifically, the Respondent agrees that the Board would be able to prove one count of the following violation of KRS Chapter 319 at a disciplinary hearing in accord with KRS Chapters 13B and 319:

The Respondent violated KRS 319.082(1)(f) and (i) by aiding or abetting the unlicensed practice of psychology when a license is required and by violating a state statute governing the practice of psychology. This aiding or abetting and violating a state statute involved the Respondent's allowing certified psychological associates to practice psychology independently when a license is required and by practicing independently not under the employment and supervision of the Respondent in violation of KRS 319.064(4).

The Respondent hereby admits to one count of a violation of KRS 319.082(1)(f) and (i) based on the facts immediately above.

**Effect Upon Licensure Status: Probation and Supervision**

To avoid the time, cost, and expense of a hearing, the Respondent hereby agrees to the following as the agreed upon disciplinary action.

1) The Respondent's license to practice psychology in the Commonwealth of Kentucky shall be placed under probation immediately and under supervision for one year. The period of probation shall begin the date that the Board enters into an Order adopting this Settlement Agreement. The one year of supervision shall begin on the date of the first meeting of the Respondent and a Board appointed supervisor;

2) The Respondent shall pay the Board's investigative costs in this matter not to exceed \$1500.00 upon tendering by the Board or Board Counsel, of an itemized statement of the final amount. The amount shall be paid by certified check or money

order made payable to "Kentucky State Treasurer" as reimbursement for administrative costs to the Board, and;

3) The Respondent shall undergo supervision of his practice of psychology, if any, for a period of one year. The supervision shall begin within thirty (30) days of the appointment in writing of a Kentucky licensed psychologist pursuant to 201 KAR 26:171 §13 appointed by the Board and paid for by the Respondent.

A) Said supervision shall include weekly, face-to-face meetings with the supervisor, for a period of one hour, in accord with 201 KAR 26:171 §§ 13 and shall encompass the Respondent's entire practice of psychology. In the event of unscheduled illness and conflicting vacation schedules or other good cause, the supervision sessions may be rescheduled by agreement of the supervisor and the Respondent;

B) The Respondent's obligation for one year of supervised practice shall not be fulfilled until the Respondent shall have completed fifty-two, one hour supervisory sessions. It is the intention of the parties that this supervision shall occur in fifty-two, one hour sessions held consecutively. Sessions rescheduled for good cause as provided for above may occur immediately after the completion of the one year period of supervision.

4) If the Respondent gives notice to the Board in writing on or before August 6, 1999, of his relocation to the State of California including his mailing address, street address, business address, and business telephone number(s), the Respondent may complete the required supervision by a California licensed psychologist appointed

by the Board so long as the Respondent holds a credential to practice psychology in California issued by the appropriate licensing body with jurisdiction in California.

The Respondent shall cooperate at all times with the supervisor, the Board, the Board's staff and its agents who are engaged in the supervision and investigation of compliance with this Settlement Agreement.

The Respondent expressly understands failure to comply with and complete all terms of this Settlement Agreement means the Respondent's certificate shall be deemed suspended and shall further constitute failure to comply with an Order of the Board under KRS 319.082(1)(h) for which the Board may impose additional penalties available under law after notice and opportunity to be heard.

This action shall constitute disciplinary action against the license of the Respondent.

#### Release of Liability

In consideration of execution of this Settlement Agreement, the Respondent, for the Respondent, the Respondent's executors, administrators, successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, Kentucky Board of Psychology, Kentucky State Board of Examiners of Psychology, and the Kentucky Attorney General, and each of their members, agents and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim



to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this settlement or its administration.

#### **Acceptance by the Board**

This Settlement Agreement, when executed by the Respondent, shall be presented to the Kentucky Board of Examiners of Psychology with a recommendation for approval from the Board's counsel and case manager at the next regularly scheduled meeting of the Board following receipt of the executed Agreement. The Settlement Agreement shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

The Respondent understands the Board is free to accept or reject this Settlement Agreement. The Respondent hereby agrees to waive any right he might have to challenge, based solely on the presentation of this Settlement Agreement to the Board, the impartiality of the Board to hear this administrative action if, after review by the Board, this Settlement Agreement is rejected.

#### **Open Records**

The Respondent acknowledges this Settlement Agreement is subject to disclosure under the Kentucky Open Records Act and may be shared with any professional organization or licensing Board as the Board deems appropriate in its discretion.

#### **Complete Agreement**

This Settlement Agreement and Order consists of seven (7) pages and embodies the entire agreement between the Board and the Respondent. It may not be altered, amended or modified without the express written consent of both parties.

Have Seen, Understood and Approved:

Norman A. Davis Psy.D.

Norman A. Davis, Psy.D.  
3531 Custer Drive, Suite 215  
Lexington, Kentucky 40517

Respondent

Date: 8-3-99

Elizabeth S. Hughes

Elizabeth S. Hughes, Attorney at Law  
Gess, Mattingly & Atchison  
201 West Short Street  
Lexington, Kentucky 40507-1269

Date: 8-5-99

Attorney for the Respondent

State Board of Psychology

By: Mark Brengelman

Mark Brengelman  
Assistant Attorney General  
Office of the Attorney General  
Capitol Avenue, Suite 118  
Frankfort, Kentucky 40601-3449  
Phone: (502) 696-5607

Counsel for the Board

Date: 8-9-99